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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Case No.: SA08-201M
)	
Plaintiff,)	ORDER OF DETENTION
)	BASED UPON FLIGHT RISK
vs.)	[8 U.S.C. § 1326]
)	
JOSE SOTO-MENDOZA,)	
)	
Defendant.)	
_____)	

Before the Court is the Government’s request for an order detaining the defendant on the ground that there is a serious risk defendant will flee. The Government is not entitled to a rebuttable presumption that no condition or combination of conditions will reasonably assure defendant’s appearance as required and the safety of any person or the community.

The Court has considered all of the evidence adduced at the hearing and the arguments and/or statements of counsel. The Court has also considered: (1) the nature and circumstances of the offenses; (2) the weight of evidence against the defendant; (3) the history and characteristics of the defendant; and (4) the nature and seriousness of the danger to any person or the community.

1 The Court finds that no condition or combination of conditions will reasonably assure the
 2 defendant's appearance as required, and that the defendant is a flight risk, because of the following
 3 factors:

4 (X) status as an illegal alien,

5 (X) insufficient bail resources,

6 (X) insufficient ties to the local community and strong ties to a foreign country,

7 () current state custodial status,

8 (X) use of alias,

9 () use of more than one social security number and birth date,

10 () prior failure(s) to appear,

11 (X) unstable/lack of employment history,

12 () prior probation/parole violation(s),

13 (X) extensive criminal history,

14 () history of illegal drug use or substance abuse, and

15 (X) prior deportation.

16 (X) Pretrial Services's report and recommendation to detain the defendant for the
 17 reasons set forth in the Pretrial Services's report.

18 IT IS THEREFORE ORDERED that defendant be: (1) detained prior to trial and committed to
 19 the custody of the Attorney General for confinement in a corrections facility separate, to the extent
 20 practicable, from persons awaiting or serving sentences or being held in custody pending appeal; and (2)
 21 afforded reasonable opportunity for private consultation with counsel. IT IS FURTHER ORDERED
 22 that, on order of a Court of the United States or on request of any attorney for the Government, the person
 23 in charge of the corrections facility in which defendant is confined deliver defendant to a United States
 24 marshal for the purpose of an appearance in connection with a court proceeding.

25
 26 Dated: May 2, 2008

27 /s/ ARTHUR NAKAZATO
 28 ARTHUR NAKAZATO
 UNITED STATES MAGISTRATE JUDGE